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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,385	01/09/2001	Dirk Lenz	BEIERSDORF69	9792
7055	7590	07/03/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER

1771

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/743,385	<b>Applicant(s)</b> LENZ ET AL.	
	<b>Examiner</b> Daniel Zirker	<b>Art Unit</b> 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13, 14 and 17-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-35, 37, 38 and 42-46 is/are rejected.
- 7) ☒ Claim(s) 36 and 39-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/5/06</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 21-35, 37,38 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Joseph et al or Riedel et al, substantially for the reasons first stated in Paragraph No. 5 of Paper No. 6, together with the following additional observations. More particularly, to partially reiterate, each of the references discloses (Note in addition to those sections previously pointed out Joseph et al, Col 1, lines 5-23, and Riedel et al, Col 1, lines 3-5, lines 27-48) a wide variety of pressure sensitive adhesive wraps and tapes particularly useful for medical applications (such as a plaster) which are formed from non woven fabrics and backing materials which also contain fibers that are comprised of pressure sensitive adhesive materials that are formed from metallocene type polyethylene materials intermixed throughout. In Joseph et al the multi-component fibers may be distributed throughout the width dimension of the non woven backing such that the adhesive component is exposed on both outer faces of the backing (Col 1, line 66 - col 2, line 2), thereby, if not believed to anticipate at least claim 21 (due to the somewhat vague disclosures involving the possible presence of an outer adhesive layer and also the enormous number of possible embodiments taught by the reference), it is believed to at least put the claimed structure well within the ordinary skill of the art. With respect to Riedel et al the non woven melt blown microfiber pressure sensitive adhesive webs formed comprise a desired uniform web produced from metallocene catalyzed polyethylene resin. Although no disclosure of a specific outer adhesive layer on the formed non woven backings is believed expressly disclosed in

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either of the references it is also believed that such a structure is either inherently present or well within the skill of the art, particularly since the disclosed non woven backings each have mingled throughout a variety of pressure sensitive adhesive fibers. Note also the fact that in view of the open ended claim language in the newly presented claims the fact that each of these references disclose the presence of psa fibers in addition to metallocene-polyethylene fibers does not eliminate these references as being inadequate prior art. With respect to the newly revised but not in general substantively changed dependent claims these are again generally believed to involve well known parameters such as basis weight of the fabric, thickness, tensile strengths, and melt index of the polyethylene fibers, as well as (claims 42-46) dressings and tapes of the type that are well known to one of ordinary skill, in the absence of unexpected results.

3. Claim 36 (which uses "consisting essentially of" language) and 39-41 are each objected to as being dependent upon a rejected base claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker  
Primary Examiner  
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style with a large initial "D" and "Z".